

**MEMORANDUM
OF
UNDERSTANDING**

**MONO COUNTY
COLLABORATIVE PLANNING TEAM**

APRIL 2000

**MEMORANDUM OF UNDERSTANDING
BETWEEN
California Department of Fish and Game,
Caltrans,
Lahontan Regional Water Quality Control Board,
Mono County Board of Supervisors,
Los Angeles Department of Water and Power,
Bureau of Land Management
U.S. Department of Agriculture, Forest Service:
Humboldt-Toiyabe National Forest
and
Inyo National Forest,
Town of Mammoth Lakes,
Bridgeport Indian Colony,
AND
Benton Paiute Reservation
(U-tu Utu Gwaitu Paiute Tribe)**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into effect this 27th day of April, 2000, by and between the California Department of Fish and Game, Caltrans, Lahontan Regional Water Quality Control Board, Mono County Board of Supervisors, Los Angeles Department of Water and Power, Bureau of Land Management, U.S. Department of Agriculture, Forest Service: Humboldt-Toiyabe National Forest and Inyo National Forest, the Town of Mammoth Lakes, the Bridgeport Indian Colony and the U-tu Utu Gwaitu Paiute Tribe (Benton Paiute Reservation) hereinafter referred to as the Mono County Collaborative Planning Team (MCCPT).

Mono County encompasses approximately 3,100 square miles. Approximately 94% of that land is publicly owned: 88% is owned by the federal government, 6% by city and state governments, and the remaining 6% by private landowners.

COLLABORATIVE PLANNING PHILOSOPHY

While the specific missions of the entities involved in this collaborative planning process may differ, there are many more similarities in resource and socioeconomic responsibilities, concerns and opportunities. We recognize that we have responsibilities to the people, landowners and visitors of Mono County, as well as the rest of the citizens of California and the United States. These responsibilities include: management of publicly owned resources for the purposes entrusted to us; maintenance and enhancement of community sustainability and quality of life; promotion of sustainable levels of tourism; provision of quality developed and dispersed recreation opportunities; preservation of open space and outstanding scenic values; conservation and enhancement of wildlife and fish and their habitats; protection and appropriate use of surface and groundwater resources; and accommodation of commodity-based resource use consistent with sustainable land stewardship.

By working in a collaborative manner in selected areas of emphasis, a synergistic effect will occur and the results of our efforts as a whole will far exceed that which we might accomplish as individual signatory agencies. We recognize that our ability to meet these objectives is dependent on significant public involvement in both planning and implementation. Success is equally dependent on those individuals who are responsible for carrying out the mission of each of the signatory agencies involved.

SELECTED AREAS OF EMPHASIS

The scope of the planning and implementation responsibilities of all the signatory agencies and other agencies with responsibilities in Mono County exceeds the ability of the signatory agencies hereto to respond to each issue. As such, we have identified areas where we can work together most effectively in a collaborative manner. These areas include:

- ***Collaboration*** in response to statewide or regional planning or analysis efforts that have the potential to affect or direct actions of the signatory agencies to this MOU.
- ***Collaboration*** in development and application of plans, regulatory actions and ordinances that have the potential to affect multiple entity responsibilities.
- ***Collaboration*** in project specific planning and implementation that involves multiple member entities.

IMPLEMENTATION

Collaborative Planning Team

To implement the intent of this MOU, the signatory agencies agree to participate on the Mono County Collaborative Planning Team. The MCCPT will be comprised of the persons in the positions listed below or their designee:

Collaborative Planning Team Membership

California Department of Fish and Game
Manager - Region 6

USFS/Humboldt-Toiyabe National Forest
Forest Supervisor

Caltrans
District 9 Director

USFS/Inyo National Forest
Forest Supervisor

***Lahontan Regional Water Quality
Control Board***
Executive Officer

Town of Mammoth Lakes
Council Member

Mono County Board of Supervisors
Chair

Bridgeport Indian Colony
Tribal Administrator

Los Angeles Department of Water and Power
Aqueduct Manager

***Benton Paiute Reservation
(U-tu Utu Gwaitu Paiute Tribe)***
Tribal Administrator &/or Vice-Chair

Bureau of Land Management
Bishop Field Manager

Other jurisdictional entities may be invited to participate as needed. Modification of the composition of the MCCPT will be by mutual agreement of the signatory agencies to this MOU.

ISSUE IDENTIFICATION

Collaborative planning efforts of the team will be responsive to both public and internal planning needs:

- The MCCPT will hold a public forum annually to identify issues, concerns and opportunities and to report accomplishments of the MCCPT.
- Members of the public may submit written requests and provide oral clarification to the MCCPT dealing with planning issues and concerns for consideration. A request must be a planning issue and involve more than one entity to be considered by the MCCPT.
- Planning issues originating from a signatory agency will be brought forward to the team in writing, using the same criteria as for public input.

ACCEPTANCE AND PRIORITIZATION

Submissions will be reviewed by the MCCPT for consistency with areas of emphasis and then be prioritized for discussion and action. A program of work will be developed for selected projects consistent with signatory agency capabilities.

Signatory agencies are responsible for scoping, identifying key issues, data collection, preparation of plans and recommending strategies for public involvement. The MCCPT will determine appropriate approaches to public participation consistent with applicable law, regulation and policy. To the extent legally permissible, the intent is to share costs when opportunities occur, subject to the execution of subsequent cost-share agreements when required.

Each signatory agency will retain full authority for making decisions and setting policy for programs under its control. In making these decisions, the signatory agencies agree to consider any recommendations of the MCCPT.

DATA-BASE MANAGEMENT AND TECHNOLOGY TRANSFER

To facilitate successful implementation of planning efforts, and to effectively utilize the public dollars available, the parties recognize the importance of developing and maintaining data bases that avoid redundancy and ensure compatibility of mapping and data-storage systems. Since each signatory member possesses certain computer-based systems and software, as well as other technical equipment that can be shared, resulting in cost savings for all of the agencies involved in the MCCPT, the intent is to cost share where legally permissible opportunities occur.

- Geographic Information Systems using the same software programs will be used for all collaborative planning efforts.
- Resource data bases used in collaborative planning will be compatible.
- Signatory agencies will share hardware systems, or assume the lead in performing certain planning tasks consistent with the individual signatory agency's capability to perform such work.
- Satellite-based systems such as GPS, aerial photography and other planning tools, when available, will be accessed by the various signatory members as needed and when appropriate

for all planning efforts.

ADMINISTRATION

- As needed, the MCCPT may adopt bylaws or guidelines for its own operation.
- Nothing in this MOU shall obligate the signatory agencies to this MOU to expend funds, locate resources or enter into any contract or other obligations.
- This MOU is not a fiscal obligation document. Specific work projects or activities that involve the transfer of funds, services or property among the signatories to this MOU will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress, the state Legislature, Mono County or the city of Los Angeles.
- Each subsequent agreement or arrangement involving the transfer of funds, services or property between signatory agencies to this MOU must comply with all applicable statutes and regulations, including those applying to procurement activities.
- This MOU in no way restricts the signatory agencies from participating in similar activities or arrangements with other public or private agencies, organizations or individuals.
- No part of this MOU modifies the existing authority under which signatory agencies currently operate.
- This MOU shall become effective on the date indicated on the face sheet. It may be renegotiated at any time at the initiative of one or more of the participants, following at least a 60-day notice period to all other signatory members.
- Supplements or amendments to this MOU may be proposed by any party and shall become effective upon approval by all parties. Following any change in the MOU membership, all signatory agencies must reapprove the MOU.
- The signatory agencies agree to review and assess the effectiveness of this MOU annually.
- Unless otherwise determined by the MCCPT, the Mono County Planning Department shall be responsible for maintenance of all MCCPT documents and the public release of such documents.
- All scheduled meetings of the MCCPT shall be open to the public. Any other communications occurring between or among the representatives of signatory agencies shall not constitute MCCPT meetings.

Collaborative Planning Team Signatories

Region 6 Manager
California Department of Fish and Game

District 9 Director
Caltrans

Executive Officer
Lahontan Regional Water Quality Control Board

Chair
Mono County Board of Supervisors

Aqueduct Manager
Los Angeles Department of Water and Power

Bishop Field Manager
Bureau of Land Management

Forest Supervisor
USFS/Humboldt-Toiyabe National Forest

Forest Supervisor
USFS/Inyo National Forest

Town Council
Town of Mammoth Lakes

Tribal Chair
Bridgeport Indian Colony

Tribal Administrator &/or Vice-Chair
**U-tu Utu Gwaitu Paiute Tribe
(Benton Paiute Reservation)**

APPENDIX

INFORMATION ON SIGNATORY AGENCIES

California Department of Fish and Game: The DFG is trustee for fish and wildlife resources of the state of California and has jurisdiction over the conservation, protection and management of fish, wildlife and native plants, and the habitats necessary for biologically sustainable populations thereof, pursuant to Section 1802 of the Fish and Game Code. Moreover, the DFG provides recreation opportunities, including hunting and fishing, consistent with Section 1801 of the Fish and Game Code. The DFG owns or administers 17,380 acres of land in Mono County.

Caltrans : The California Department of Transportation promotes economic vitality and enhances the quality of life for the people of California by providing for mobility of people, goods, service and information. Caltrans works in partnership with governments on both the federal and local levels in developing and managing transportation systems within the state. Project decisions are now made with the primary input coming from regional governments.

Caltrans, District 9, established October 11, 1923, encompasses Inyo and Mono counties. The District is responsible for the planning, operation and maintenance of 16 state highways, totaling 1,742 lane miles, and numerous other transportation facilities.

Lahontan Regional Water Quality Control Board: The Lahontan Regional Water Quality Control Board is the state agency responsible for setting water quality standards and implementing state and federal water quality laws, plans and regulations applicable to the waters of Mono County. (The RWQCB's water quality plan includes a special set of erosion control guidelines for the Town of Mammoth Lakes.) The RWQCB may issue state (Waste Discharge Requirements) and/or federal (National Pollutant Discharge Elimination System or NPDES) permits for construction projects, resource management activities, stormwater discharges and other potential point or nonpoint sources of water pollutants. The RWQCB may take enforcement action as necessary to ensure compliance with standards and permits. The RWQCB works cooperatively with other state, federal and local agencies to implement several of its programs, including oversight of underground tank cleanup activities and septic systems, timber harvest review, and protection and restoration of wetlands. As funds become available, the RWQCB can also facilitate procurement of grant funds and State Revolving Funds loans for water quality improvement projects in Mono County.

Mono County, California: The County of Mono, which is one of 58 California counties, is a political subdivision of the state vested with the powers necessary to provide for the health and welfare of Mono County citizens. These powers are exercised by the Board of Supervisors and through its officers acting under the authority of the Board or other authority conferred by law. As required by state law, the Board has established a planning agency (planning commission and department) which prepares, updates and implements the Mono County General Plan. Implementation of the plan occurs through zoning, subdivision ordinances, area plans, specific plans, environmental review, and planning permits, consultation with civic groups and citizens, and coordination of the Plan with other public agencies.

Los Angeles Department of Water and Power: Water and Power is a propriety department of the city of Los Angeles, a charter city. As such, under the terms of the city charter, the DWP is charged with providing citizens with a reliable and economical water and energy supply. For this purpose, Los Angeles owns considerable acreage in the Eastern Sierra, including approximately 63,000 acres in Mono County, which forms the watershed to supply the Los Angeles Aqueduct system. The mission of the DWP is to protect the water rights of the city, to maintain our water storage and conveyance facilities, and to deliver a reliable and high quality water supply through responsible watershed management practices.

Bureau of Land Management: The BLM, Bishop Resource Area, is responsible for administering 524,000 surface acres of public land in Mono County. Authorities for BLM's management of the public land and for entering into a cooperative planning agreement come from the Federal Land Policy and Management Act of 1976 (42 U.S.C. 170 et. seq. as amended) and the Memorandum of Understanding on California's Coordinated Regional Strategy to Conserve Biological Diversity as well as other pertinent acts, regulations and agreements.

USFS/Humboldt -Toiyabe National Forest: Humboldt-Toiyabe National Forest is an administrative unit of the USDA Forest Service, a federal multiple-use land management agency. It is one of the 17 national forests within the Forest Service Intermountain Region (Region 4). Of the Toiyabe's 3.9 million acres, approximately 385,000 acres lie in Mono County. They include portions of the Congressionally designated Hoover Wilderness, and the Marine Corps' Mountain Warfare Training Center. Recreation and livestock grazing are major uses of the Forest within Mono County.

USFS/Inyo National Forest: The Inyo National Forest is an administrative unit of the USDA Forest Service, a federal multiple-use land management agency, and one of 18 national forests within the Pacific Southwest Region. Of the more than 2 million acres that lie within the Inyo National Forest, 816,489 are located in Mono County, California. Of special significance in terms of their effect on the quality of life within the county are four Congressionally designated areas that include portions of the Hoover, Ansel Adams and John Muir wilderness areas and the Mono Basin National Forest Scenic Area. These areas draw visitors from all over the world and contribute about 6 million recreation visitor days of use annually within the county. This is one of the highest use levels in the nation.

Town of Mammoth Lakes: The Town of Mammoth Lakes is a municipality incorporated under the laws of the state of California. It is the largest community in Mono County and the only incorporated community in Mono County. The governing body is a five-member town council. The Town provides police, planning, public works, parks and recreation, tourism and general administrative services for a permanent population of approximately 5,400 people and a seasonal and visitor population of up to approximately 30,000 people. Land-use planning is administered by a planning commission and planning department.

Bridgeport Indian Colony: The Bridgeport Indian Colony is a federally recognized American Indian tribe, in accordance with Title I Public Law 93-638 (25 U.S.C. 450 [c][d]). The Tribe is a sovereign government located within Mono County's geographical boundaries. Its constituency is spread countywide and beyond. The Tribe's current land base (reservation) is located in

northeast Bridgeport, yet the greater Bridgeport Valley area is the ancestral homeland of the tribal members. The tribal government has a responsibility to meet the needs of its members in regard to housing, employment, education, economic development, cultural preservation, health care and the like. The Tribe's interests in county planning and development stem from its historical presence here, and the direct and/or indirect impact that such activities and planning may have on the lives and property of its members (whether on-reservation or off) and its ancestral homeland.

Benton Paiute Reservation (U-tu Utu Gwaitu Paiute Tribe): The U-tu Utu Gwaitu Paiute Tribe is a federally recognized tribal government with a signed constitution between the United States of America and the Tribe. This tribe has existed for up to 10,000 years in this region, with its homeland ranging between the White Mountains on the east and the Sierra Nevada behind Mammoth Lakes on the west. As a government, this tribe's mission is to provide governmental services to its citizens: health care and senior citizens programs through Toiyabe Indian Health Project; housing through Department of Housing and Urban Development and the Housing Improvement Program of the Bureau of Indian Affairs; roads and street development using federal highway trust funds through the Bureau of Indian Affairs; employment through tribally developed economic development projects; and other services such as providing land, water, sewer systems and other infrastructure development, such as electricity and telephones. Furthermore, the Tribe plans to get involved in public safety and tribal court issues for the protection of tribal citizens. In addition, the Tribe has a government-to-government relationship with the United States of America, which allows the Tribe to comment and work with the federal government on those issues that affect its land and projects. In addition, with the recent enactment of A.B. 1385 regarding governmental communications, a state law chaptered at 597, the governor is now the state's spokesperson with tribal governments, establishing a government-to-government relationship with the state of California. Therefore, with these relationships, the Tribe will be more involved in off-reservation issues as a recognized governmental entity.

Agency authorities for entering into this MOU include:

National Forest Management Act of 1976
Federal Land Policy and Management Act of 1976
California Constitution and California Government Code
Los Angeles City Charter